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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA
5

6 UNITED STATES OF AMERICA,
7
8 v.
9 JESSE SANCHEZ,
10 Defendant.

Case No. 3:14-cr-00090-HDM-VPC

ORDER

11 On February 2, 2021, the government applied for, and the court
12 granted, an *ex parte* writ of continuing garnishment as to the
13 judgment debtor, defendant Jesse Sanchez. (ECF Nos. 40 & 41). In
14 response, Sanchez has filed an affidavit of exemptions. (ECF No.
15 43). He has not requested a hearing. (*Id.* at 3). The garnishee has
16 also timely filed an answer. (ECF No. 44). Neither the government
17 nor Sanchez has filed an objection to the garnishee's answer, and
18 the time for doing so has expired.

19 Because Sanchez does not request a hearing, the court
20 addresses his claimed exemption and other objections and directs
21 the government to submit a proposed final order of garnishment
22 consistent with the terms of this order.

23 First, Sanchez asserts that he is entitled to an exemption
24 for child support. The answer reflects that the judgment debtor's
25 wages are currently subject to garnishment for the payment of child
26 support in the amount of \$560.77 for each biweekly paycheck. The
27 government does not dispute that this amount is exempt from
28 garnishment under 26 U.S.C. § 6334(a)(8). The court therefore

1 concludes that the amount of \$560.77 from Sanchez's biweekly
2 paychecks is exempt from garnishment.


3 Second, Sanchez asserts that the writ was improperly issued
4 due to "costed [sic] of living." The relevant statutory provisions
5 limit garnishment to 25 percent of the judgment debtor's nonexempt
6 disposable earnings. 15 U.S.C. § 1673(a). This contention is not
7 therefore a basis for quashing the writ of garnishment.

8 Finally, Sanchez asserts that he does not own the property
9 taken. This contention is entirely without merit. The answer
10 confirms that the garnishee pays Sanchez wages for work performed.
11 He therefore owns the wages, and they are subject to garnishment.

12 The court finds Sanchez's child support obligations are
13 exempt from garnishment and that the writ of garnishment was
14 properly issued. The government shall submit a proposed final order
15 of garnishment consistent with the terms of this order and all
16 other relevant statutory and legal provisions on or before May 17,
17 2021.

18 IT IS SO ORDERED.

19 DATED: This 5th day of May, 2021.

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22 UNITED STATES DISTRICT JUDGE
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